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2 **FEDERAL DEFENDERS OF SAN DIEGO, INC.**

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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10 **(HONORABLE LARRY A. BURNS)**

11 UNITED STATES OF AMERICA,

) U.S.D.C. No. 07CR3104-LAB

) Date: December 17, 2007

) Time: 2:00 p.m.

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13 Plaintiff,

) NOTICE OF MOTIONS AND MOTIONS TO:

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15 v.

) (1) DISMISS INDICTMENT DUE TO
MISINSTRUCTION OF THE GRAND JURY;

) (2) SUPPRESS EVIDENCE UNDER THE
FOURTH AMENDMENT;

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17 ROSA MARIA SOTO-ORTIZ,

) (3) DISMISS INDICTMENT DUE TO
VIOLATION OF FIFTH AND SIXTH
AMENDMENT RIGHT TO COMPULSORY
PROCESS;

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19 Defendant.

) (4) SUPPRESS STATEMENTS OF
UNAVAILABLE WITNESSES UNDER THE
SIXTH AMENDMENT;

) (5) SEVER DEFENDANTS' TRIAL; AND

) (6) GRANT LEAVE TO FILE FURTHER
MOTIONS

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23 TO: KAREN P. HEWIT, UNITED STATES ATTORNEY, AND
CARLOS ARGUELLO, ASSISTANT UNITED STATES ATTORNEY.

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25 PLEASE TAKE NOTICE that on December 17, 2007 at 2:00 p.m., or as soon thereafter as counsel may
26 be heard, Defendant Rosa Soto-Ortiz, by and through her attorneys, Jodi Thorp and Federal Defenders of San
27 Diego, Inc., will ask this Court to enter an order granting the following motions.
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MOTIONS

Defendant Rosa Soto-Ortiz, by and through her attorneys, Jodi Thorp and Federal Defenders of San Diego, Inc., moves this Court pursuant to the United States Constitution, the Federal Rules of Criminal Procedure, and all other applicable statutes, case law, and local rules for an order to:

- (1) Dismiss Indictment Due to Misinstruction of the Grand Jury;
- (2) Suppress Evidence Under the Fourth Amendment;
- (3) Dismiss Indictment Due to Violation of Fifth and Sixth Amendment Right to Compulsory Process;
- (4) Suppress Statements of Unavailable Witnesses under the Sixth Amendment;
- (5) Sever Defendants' Trials; and
- (6) Grant Leave to File Further Motions.

This motion is based upon the instant motions and notice of motions, the attached statement of facts and memorandum of points and authorities, the files and records in the above-captioned matter, and any and all other materials that may come to this Court's attention prior to or during the hearing of these motions.

Respectfully submitted,

Dated: November 26, 2007

s/ Jodi Thorp
JODI THORP
Federal Defenders of San Diego, Inc.
Attorneys for Ms. Soto